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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. M. 19432—P.H. 87-52-3, Bangalore, dated 22nd—24th December 1952.

The following draft of certain rules which the Government of Mysore propose to make in exercise of the powers conferred by sub-section (2) of Section 118 and Section 129 of the Mysore Public Health Act, 1944 (Mysore Act X of 1944), is published as required by sub-section (1) of Section 131 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 15th February 1953.

Any objections or suggestions which may be received by the Secretary to Government, Revenue and Home Departments, Old Public Offices, Bangalore, from any person with respect to the said draft before the date specified, will be considered by the Government of Mysore.

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DRAFT RULES.

1. (1) These rules may be called the Mysore (Notified Fairs and Festival Centres) Tolls on Vehicles and Animals Rules.

(2) They shall apply only to those local areas or part or parts of a local area which have been declared as notified fairs or festival centres under Section (1) of Section 116 of the Act.

(3) They shall remain in force in a notified fair or festival centre only during the period for which tolls are authorised to be levied in such fair or centre by the notification issued under sub-section (1) of section 118 of the Act.

2. In these rules unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Mysore Public Health Act, 1944;

(*b*) "Government" means the Government of Mysore;

(*c*) "Notified fair or festival" means fair or festival or jathra, religious or otherwise, private or public, in connection with which a notification under sub-section (1) of Section 116 of the Act has been issued.

(*d*) "Appropriate authority" means the local authority within whose jurisdiction a notified fair or festival is held or if it is held within the jurisdiction of the two or more local authorities, the person or committee appointed by such local authorities jointly under the provisions of Section 120 of the Act; or in the case of private jathras, fairs or festivals, the individual or committee responsible for the conduct of these private jathras, fairs or festivals.

(*e*) "Sale Officer" means the person appointed by the responsible authority to receive and sell properties seized and detailed in pursuance of the provisions of sub-rule (1) of rule 4.

Explanation I.—Any officer or servant of the local authority or authorities within whose jurisdiction a fair or festival is held may be appointed as the Sale Officer.

Explanation II.—In cases where the appropriate authority happens to be a single individual, such individual may be appointed as the Sale Officer.

Explanation III.—In cases where a committee is appointed as the appropriate authority, a member of such committee may be appointed as the Sale Officer.

3. (1) The appropriate authority may construct toll-bars and toll-stations on or within the limits of the notified fair or festival

centre, or within any place within such distance of the centre of the fair or festival as may be specified in the notification, and

(*a*) may place the collection of the tolls under the management of such persons as it thinks fit, or

(*b*) may farm them out on such terms and conditions as it thinks fit, with liberty to the farmer to exercise all or any of the powers conferred by or under the Act, and any rules or bye-laws framed thereunder, for the levy and collection of tolls.

(2) The appropriate authority may, whether the tolls have been farmed out or not, compound with any person living within the limits of the notified fair or festival centre for a certain sum to be paid in lieu of all tolls payable under the provisions of Section 118 of the Act.

4. (1) If the toll leviable on a vehicle or animal is not paid on demand, the person appointed to collect it, may seize and detain such portion of the appurtenances or load to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the vehicle or animal.

(2) All property seized under sub-rule (1) shall be sent within 24 hours to the Sale Officer and he shall give notice forthwith to the owner of the property seized, or, if the owner is not known, or is not resident within the notified fair or festival centre to the person who was in charge of the said property at the time when it was seized or, if such person cannot be found, publish by beat of drum within the notified fair or festival centre, that after the expiry of three days, exclusive of Sunday from the date of service or publication of such notice, the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the owner of the property seized, or the person who was in charge of the said property at the time when it was seized, tenders to the sale officer, —

(i) the amount due on account of the toll;

(ii) such sum not exceeding the amount of the toll as the appropriate authority may direct by way of penalty; and

(iii) a sum of 8 annas on account of charges incurred in connection with the seizure and detention of the property,

the property shall forthwith be released.

5. (1) If no such tender is made, the property may be sold.

(2) From the proceeds of the sale, a sum of one rupee shall be deducted on account of charges incurred in connection with the seizure, detention and sale of the property.

(3) The balance shall be applied first in payment of the penalty referred to in clause (ii) of sub-rule (3); secondly, in payment of the amount due on account of the toll and lastly, the residue, if any, shall be paid to the owner of the property, or the person who was in charge of the said property at the time when it was seized.

6. No person shall with intent to evade payment of toll, cause a vehicle or animal—

(*a*) to pass a toll station in a rapid or surreptitious manner;

(*b*) to pass a toll station without stopping if he is required by the toll-keeper to stop; or

(*c*) to leave a street on which a toll station has been placed and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

7. At every toll-bar, or toll-station, a copy of the notification published under sub-section (1) of Section 118 of the Act shall be put up legibly written or painted in English and in Kannada in a conspicuous place near such toll-bar or toll-station and in the absence of such notification, no toll shall be leviable at such toll-bar or station.

8. Any Police Officer on duty at the fair or festival area, shall render all reasonable and necessary help whenever so required by any responsible authority, sale officer or person appointed to collect tolls, while on duty.

9. Whoever contravenes the provisions of Rule 5 or otherwise tries to evade the payment of tolls or offers resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid shall be punishable with fine which may extend to one hundred rupees.

Note.—(1) The term "Vehicle" ordinarily means a carriage or conveyance of any kind (other than a motor vehicle) *used on land*. The expression "vehicle" used in Section 118 of the Act does not include a ferry boat.

(2) The tolls cannot be levied under Section 118 of the Act on ferry boats and other vessels *used on waterways*.

By Order and in the name of the Rajpramukh,

G. N. NAGARAJA RAO,
Secretary to Government,
Home and Revenue Departments.

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leaving the notified fair or festival centre or any place within such distance therefrom as is specified in such notification, shall be bound to pay the tax imposed to the Responsible Authority or to any person appointed by the Responsible Authority to collect the tax.

5. The tax shall be collected by the appropriate authority.

6. The appropriate authority shall construct, in suitable places, stations for collection of the tax and shall appoint the necessary staff for collection of the tax.

7. Every person paying the tax shall be issued a proper receipt.

8. If any person who has left any notified fair or festival centre or any place within such distance therefrom specified in the notification under sub-section (1) of Section 117 of the Act, after payment of the pilgrim tax, returns again to such fair, centre or place where the tax is levied, he shall pay such tax again, if he leaves the fair, centre or place within the period during which the levy of the tax is in force.

9. If any person liable to pay the pilgrim tax under these rules, evades the payment of the tax, he shall be punished on conviction with fine which may extend to twenty rupees.

10. It shall be the duty of every Police Officer when called upon by the appropriate authority, or any person charged with the collection of tax, to assist the persons authorised to collect pilgrim tax and the Police Officer so assisting, may exercise all the powers, which the person authorised to collect the tax can exercise.

11. (1) All persons driving vehicles shall stop them at the stations established for the collection of the tax, when leaving the notified fair or festival centre or any place within such distance therefrom as is specified in the notification under sub-section (1) of Section 117 of the Act, to enable the appropriate authority or any person authorised by him to inspect the same.

(2) Any person who fails to stop a vehicle in contravention of sub-rule (1) shall be punished with fine which may extend to fifty rupees.

12. It shall be competent for the appropriate authority to compound the tax payable by persons who have to enter and leave a notified fair or festival centre, frequently, for consolidated payment not exceeding eight annas per person.

13. (1) The apportionment of the proceeds of the tax in the case of fairs or jathras conducted by the Government shall be on the following basis:—

> "One-third of the collection shall be made over to the District Board for necessary Sanitary, Public Health, Medical and other arrangements, the balance after defraying expenditure incurred for collection of tax shall be credited to the funds of the Institution in respect of which the fair or festival was held."

(2) In the case of notified fairs and festivals managed by a District Board or a Municipal Council, the District Board or the

Municipal Council concerned, shall make over to the Institution in respect of which the fair or festival was held, one-third of the gross proceeds of the tax and credit the balance to the District Fund or the Municipal Fund concerned.

(3) In the case of private fairs and festivals, the District Board or Municipal Council, as the case may be, shall pay to the Institution or person responsible for the fair or festival, half the proceeds of the tax, if any, remaining over, after all the expenditure connected with sanitary, medical, health and other arrangements have been met.

(4) In the case of any dispute between such private person or Institution and the District Board or the Municipal Council, as the case may be, regarding the apportionment of the proceeds of the tax, the Deputy Commissioner shall enquire into the matter and by order apportion the proceeds. An appeal shall lie to the Muzrai Commissioner against the order of the Deputy Commissioner and the decision of the Muzrai Commissioner, unless revised by the Government, shall be final.

14. In the case of any notified fair or festival held in any Municipality, the District Board of the District shall not be entitled to any share of the pilgrim tax.

15. In the case of any notified fair or festival held in any area within the jurisdiction of any Village Panchayet, if the Village Panchayet desires to take over the management of such fair or festival, it may do so subject to the condition that the entire expenditure shall be borne by it and no expenditure in that behalf shall devolve on the District Board. When a Village Panchayet undertakes to manage a notified fair or festival, the apportionment of the proceeds of the tax shall be made in accordance with sub-rules (2) and (3) of Rule 13, as the case may be, and disputes in respect of apportionment shall be determined in accordance with sub-rule (4) of Rule 13, as if references in the said sub-rules to a District Board were references to a Village Panchayet.

16. All disputes regarding any matter relating to the levy or collection and utilisation of pilgrim tax between the Deputy Commissioner or any local authority, or between two or more local authorities, or between the Deputy Commissioner and a local authority or any private person in respect of a private notified fair and festival, shall be adjudicated by the Muzrai Commissioner. An appeal shall lie to the Government against the orders of the Muzrai Commissioner.

By Order and in the name of the Rajpramukh,

G. N. NAGARAJA RAO,
Secretary to Government,
Home and Revenue Departments

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. M. 19493-P.H. 87 52-2, dated Bangalore, 24th December 1952.

The following draft of certain rules which the Government of Mysore propose to make in exercise of the powers conferred by sub-section (3) of Section 117 and Section 129 of the Mysore Public Health Act, 1944 (Mysore Act X of 1944), is published as required by sub-section (1) of Section 131 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 15th February 1953.

Any objections or suggestions which may be received by the Secretary to Government, Home and Revenue Departments, Old Public Offices, Bangalore-1, from any person with respect to the said draft before the date specified, will be considered by the Government of Mysore:—

DRAFT RULES.

1. (1) These rules may be called the Mysore (Notified Fairs and Festival Centres) Pilgrim Tax Rules, 1953.

(2) They shall apply only to those local areas or part or parts of a local area which have been declared as notified fairs or festival centres under sub-section (1) of Section 116 of the Act.

(3) They shall remain in force in a notified fair or festival centre commencing from such periods as may, by notification, be specified by the Government, from time to time, in respect of each notified fair or festival.

2. In these rules, unless there is anything repugnant in the subject or context,

(*a*) "Act" means the Mysore Public Health Act, 1944;

(*b*) "Fair or Festival" means fair, festival or jathra, religious or otherwise, private or public, in connection with which a notification under sub-section (1) of Section 116 of the Act has been issued;

(*c*) "Government" means the Government of Mysore;

(*d*) "appropriate authority" means, in the case of a notified fair or festival whether private or managed by a District Board or a Municipal Council, the President of the District Board or the Municipal Council concerned in whose jurisdiction such fair or festival is held or any person to whom the President of the District Board or Municipal Council has delegated powers to supervise the arrangements connected with such fair or festival; and in the case of notified fair or festival managed by the Government or by a Committee appointed by the Government, the Deputy Commissioner of the District within whose jurisdiction the notified fair or festival is held;

(*e*) "Tax" means the pilgrim tax imposed under sub-section (1) of Section 117 of the Act.

3. (1) The Deputy Commissioner in the case of notified fairs and festivals managed by the Government or by a Committee appointed by Government, and the President of the Municipal Council or the District Board concerned, in the case of other notified fairs and festivals, whether private or managed by a Municipal Council or District Board may request the Government to issue a notification under sub-section (1) of Section 117 for the levy of pilgrim tax if they consider that the levy of such tax is necessary for collecting funds to meet the expenditure connected with health, sanitary, medical and other arrangements necessary for the convenience, welfare and safety of the public visiting such fair or festival.

(2) Every communication to the Government under sub-rule (1) shall contain the following particulars, namely :—

(i) the rate at which it is proposed to levy pilgrim tax;

(ii) the probable amount that may be realised by levy of pilgrim tax;

(iii) the budget of expenditure towards (*a*) sanitary arrangements, (*b*) arrangements for maintenance of public health and prevention of epidemics, (*c*) medical arrangements for the treatment of sick persons, (*d*) measures proposed for supply of water for drinking and other purposes, (*e*) measures proposed for the proper accommodation of pilgrims and visitors, (*f*) measures proposed for the prevention of breach of the peace and security of life and property, (*g*) other measures necessary for convenience of the visiting public including the matters specified in Section 120, and (*h*) the proposed mode of collection of the tax.

4. (1) On receipt of a communication under Rule 3, the Government if satisfied that the levy of the pilgrim tax is necessary, may issue a notification under sub-section (1) of Section 117.

(2) On the issue of a notification referred to in sub-rule (1), during such period as is specified in such notification, every person